

E-Filed 5/9/11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEPHEN DWAYNE LESTER,
Petitioner,

No. C 11-1603 RS (PR)

ORDER OF DISMISSAL

v.

SAN FRANCISCO COUNTY JAIL,
et al.,

Respondents.

This is a federal habeas corpus action filed pursuant to 28 U.S.C. § 2254 by a *pro se* state prisoner. Petitioner was ordered to file a complete application to proceed *in forma pauperis* ("IFP"), or pay the filing fee of \$5.00, within 30 days, or face dismissal of the action. More than 30 days have passed and petitioner had not paid the filing fee or filed an IFP application. Accordingly, the action is DISMISSED without prejudice to petitioner paying the filing fee or filing a properly completed IFP application.

A certificate of appealability will not issue. Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall enter judgment in favor of respondents, and close the file.

IT IS SO ORDERED.

DATED: May 9, 2011


RICHARD SEEBORG
United States District Judge

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